

By: King of Hemphill

H.B. No. 1856

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a defense under the Solid Waste Disposal Act for persons engaged in certain recycling transactions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 361.275(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Section 361.2755, a [A] person responsible for solid waste under Section 361.271 is liable under Section 361.272 or 361.273 unless the person can establish by a preponderance of the evidence that the release or threatened release was caused solely by:

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third person; or

(4) any combination of Subdivisions (1), (2), and (3).

SECTION 2. Subchapter I, Chapter 361, Health and Safety Code, is amended by adding Section 361.2755 to read as follows:

Sec. 361.2755. RECYCLABLE MATERIAL; DEFENSE. (a) In this section, "recyclable material" has the meaning assigned by 42 U.S.C. Section 9627(b).

(b) A person who arranges for recycling of recyclable material is not responsible for the recyclable material under Section 361.271(a)(3) or (4) if the person can establish by a preponderance of the evidence that the person would not be liable

1 with respect to the recyclable material under 42 U.S.C. Section
2 9607(a)(3) or (4) based on the person meeting the criteria
3 established under 42 U.S.C. Section 9627 relating to transactions
4 involving that type of recyclable material.

5 SECTION 3. This Act takes effect September 1, 2017.